

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS JORGENSEN,

Plaintiff,

v.

ORTHO-McNEIL PHARMACEUTICALS,
INC., a corporation doing business in the state
of Washington,

Defendant.

Case No. 05-5115 FDB

ORDER GRANTING MOTION TO
COMPEL ARBITRATION AND
STAY PROCEEDINGS

This matter is before the Court on the motion of Defendant to stay proceedings pending mandatory mediation based on terms of Plaintiff's employment agreement. Plaintiff filed the action for age discrimination, retaliation, and breach of employment contract. Defendant seeks to compel Plaintiff to participate in mandatory mediation before resuming litigation. Having considered the motion to stay, the papers on file herein, and finding no objection, the Court finds for the reasons set forth below, that Plaintiff's motion to stay proceedings pending mandatory mediation is GRANTED

I.

Plaintiff, a former employee of Ortho-McNeil Pharmaceuticals Inc. ("OMP"), files this action for age discrimination, retaliation, and breach of employment contract.

Defendant contends that OMP has a mandatory dispute resolution program for all employment-related disputes. The brochure describing the program explicitly advises employees that it is "the exclusive means for attempting to resolve employment disputes between employees and your operating company, including disputes for legally protected rights such as freedom from unlawful discrimination, retaliation, or harassment." The brochure further discloses that "if you accept or continue employment with your operating company after the Program went into effect, you agree to process all employment-related legal claims against the company through this program." The Common Ground program requires employees to engage in a series of steps, including non-binding mediation to resolve disputes. OMP pays all administrative costs and fees associated with the mediation. The outcome is not binding and the employees are not restricted from pursuing judicial remedies if the mediation is unsuccessful.

II.

OPM has a reasonable policy that requires all employees to mediate employment related disputes. Arbitration may afford Plaintiff resolution to its claim at no additional costs. Thus, a stay is proper and will preclude duplicative proceedings.

ACCORDINGLY

IT IS ORDERED:

(1) Defendant's motions to compel arbitration and to stay proceedings (dkt. #13) is

GRANTED;

(2) All proceedings in this case shall be stayed pending arbitration, and will be rescheduled

1 if necessary.

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3 DATED this 25th day of May, 2005.

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6 FRANKLIN D. BURGESS
7 UNITED STATES DISTRICT JUDGE
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